

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

| | |
|---------------------------------|-----------------------|
| IN RE: WAL-MART WAGE AND HOUR) | MDL 1735 |
| EMPLOYMENT PRACTICES) | |
| LITIGATION.) | 2:06-CV-00225-PMP-PAL |
| _____) | |
| AND ALL RELATED CASES.) | <u>ORDER</u> |
| _____) | |

On May 18, 2010, the Court conducted a hearing (Doc. #635) to permit Objectors/Appellants Jessica Lynn Gaona, Stephanie Swift, Deborah Maddox and Fatima Andrews (“Objectors”) and their counsel to show cause why they had failed to comply with this Court’s Order of March 8, 2010 (Doc. #613) requiring that each of the four Objectors post an appeal bond in the amount of \$500,000 on or before March 29, 2010, pursuant to Rule 7 of the Federal Rules of Appellate Procedure.

At the hearing conducted May 18, the Court heard argument on the Objectors Joint Motion to Stay the Court’s appeal bond Order (Doc. #625), as well as Plaintiffs’ oral Motion to Strike Objectors Notice of Filing of Appellate Brief (Doc. #629). The Court further Ordered that Plaintiffs would have until May 25, 2010 within which to respond to Objectors Motion to Stay (Doc. #625). On May 21, 2010, and without leave of this Court, Objectors filed an Amended Motion to Stay (Doc. #636). On May 24, 2010, Plaintiffs filed Memoranda in Opposition to Objectors’ Motion to Stay (Doc. #639 and #640).

Having considered the foregoing, as well as the record of these proceedings and the conduct of the four Objectors and their counsel since entry of the Court’s Order regarding Plaintiffs’ Motion for Final Approval of Settlement, Entry of Final Judgment, and

1 Award of Attorneys' Fees, Expenses and Plaintiffs' Incentive Payments (Doc. #491)
2 entered November 2, 2009, the Court finds Objectors have failed to show good cause for
3 their failure to comply with this Court's Order of March 8, 2010 requiring them to post an
4 appeal bond, nor have Objectors shown good cause to warrant a stay of this Court's Order
5 that they do so.

6 The memoranda filed by Plaintiffs co-lead class counsel (Doc. #639 and #640)
7 powerfully demonstrates why a stay of this Court's Order of March 8, 2010 should be
8 denied, why a daily monetary penalty should be imposed jointly severely on each of the
9 Objectors and their counsel for their failure to do so, and why Objectors should be required
10 to comply with this Court's Order that they each post an appeal bond in the amount of
11 \$500,000 within eight days of the date of this Order or risk further sanctions for their failure
12 to do so.

13 The argument's by Objectors counsel that they misunderstood the law with
14 regard to their obligations to either to comply with this Court's Order that they post an
15 appeal bond or otherwise seek relief from that Order rings hollow. The conduct of
16 Objectors and their counsel is compounded by their prior demand of \$800,000 to cease their
17 appeals. The obligation of Objectors to comply with this Court's Order that they post an
18 appeal bond and the justification for their failure to do so falls on the shoulders not only of
19 the four objectors individually, but on those of their counsel.

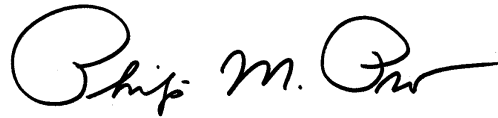
20 Adopting the analysis set forth in Plaintiffs' co-lead class counsel Memoranda
21 (Doc. #639 and #640), the Court finds that each of the four Objectors, and their counsel,
22 jointly and severely, shall pay to the Plaintiffs' Settlement Fund the sum of \$200 per day for
23 each of the intervening days between March 30, 2010 and May 18, 2010, or a total of
24 \$10,000 as to each Objector and their counsel as a sanction for their failure to comply with
25 this Court's Order (Doc. #613) of March 8, 2009. **IT IS SO ORDERED.**
26

1 **IT IS FURTHER ORDERED** that Objectors' Motion and Amended Motion to
2 Stay (Doc. #625 and #636) are **DENIED**.

3 **IT IS FURTHER ORDERED** that Plaintiffs' Motion to Strike Objectors'
4 Notice (Doc. #629) is **DENIED**.

5 **IT IS FURTHER ORDERED** that Objectors/Appellants Jessica Lynn Gaona,
6 Stephanie Swift, Deborah Maddox and Fatima Andrews shall have to and including June 3,
7 2010 within which to fully comply with this Court's Order of March 8, 2010 (Doc. #613)
8 by posting the required appeal bond in the amount of \$500,000 on behalf of each of the four
9 Objectors.

10
11 DATED: May 25, 2010.

12
13 

14 PHILIP M. PRO
15 United States District Judge
16
17
18
19
20
21
22
23
24
25
26